IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8295 OF 2005

Shahida Abdul Karim Telgi ...Applicant.

V/s

The State of Maharashtra
and Anr. ...Respondents.

Mr. A.P. Mundargi with Mr. Sudesh Gavhane for the applicant.

Mr. Y.S. Shinde, APP for the State.

Mr. A.M. Chimalkar, Spl. P.P. Cor CBI.

CORAM: V.M. KANADE, J.

DATE: 13th June, 2006

P.C.:

1. This is an application for bail filed by the applicant who is an original accused No.6 in MCOC Special Case No. 2 of 2003 arising from C.R. No. 135 of 2002 which is registered at Bund Garden Police Station, Pune under sections 120-B, 255, 256, 257, 258, 259, 263-A read with section 34, 109 of the Indian Penal Code read with section 3(1)(ii), 3(2),

3(4), 3(5), 4 of the MCOC Act read with section 63(b) of the Bombay Stamp Act. Applicant is the wife of Abdul Karim A.K.L Telgi.

FACTS:

2. Brief facts which are relevant for the purpose of deciding the present application are as under:-

3. On 7/6/2002, a complaint was lodged by one Ramakant Kale, Police Inspector (Crime), Bund Garden Police Station in which it was alleged that on 4/10/2001, he was informed by the then Commissioner of Police Shri Sharma that three persons were coming in a Car from Mumbai for delivering counter-feit stamps at Pune Station and the description of one of the persons was also given and the complainant was directed to lay a trap and take action according to law. Accordingly, a trap was laid and the Car was seized and the counter-feit stamp papers worth Rs 2,96,250 and stamp tickets worth Rs 2,544/- were seized. Three persons were arrested and the C.R. was lodged at Bund Garden Police Station. Initially, investigation was carried on by Special Investigation Team (SIT). This investigation was subsequently transferred to CBI pursuant to the orders which were passed by the

Supreme Court and the supplementary charge-sheet was filed by CBI in which the applicant's name is mentioned as accused No.2. On 16/9/2005, a process was issued against the applicant and on 15/11/2005, the applicant surrendered before the Special Court.

SUBMISSIONS:

4. The learned Counsel appearing on behalf of the applicant submitted that no prima facie case has been made out against the applicant under the provisions of MCOC Act and under section 255, 259, 263-A read with section 120-B of the Indian Penal Code. It is submitted that the applicant being the wife of A.K.L. Telgi had been falsely implicated in the present C.R. though she had nothing to do with the business and activities of the organized crime syndicate. It is submitted that the applicant being the wife of A.K.L. Telgi dealt with only financial matters of her husband and she was not concerned with actual business or activities of her husband or of the organized crime syndicate. It is further submitted that the applicant was suffering from various ailments and that, on this ground, she was liable to be released on bail.

5. The learned APP appearing on behalf of the respondent submitted that there was sufficient material on record to indicate the involvement of the present applicant in the commission of the said offence. He submitted that in view of the bar laid down under the provisions of section 24, the applicant was not entitled to be released on bail. The learned APP further submitted that the material in respect of the involvement of the present applicant has been stated in detail in para 480 to 489 of the Order passed by the Special Judge dated 16/11/2005 and unless this Court comes to the conclusion that the accused is not guilty of the offence under MCOC Act, the accused is not entitled to be released on bail. He further submitted that that so far as her medical condition is concerned, she was getting proper medical treatment and if her condition deteriorates, she would be taken to the Jail Hospital or any other Hospital if so required.

FINDINGS:

6. I have heard the learned Counsel for the applicant and the learned APP for the State at length. I have perused the charge-sheet and the other documents which are on record. I am of the view that there is

sufficient material on record to indicate the involvement of the present applicant and it cannot be said at this stage that the applicant is not involved in the commission of the said offence or that she was only looking after the financial affairs of her husband. The statements of the co-accused also indicate that the applicant had knowledge about the activities of the organized crime syndicate and that she had abetted and knowingly facilitated the commission of the organized crime. The Special Court has considered the evidence and material which is on record and has rightly come to the conclusion that all the allegations on record are sufficient to prima facie establish that the applicant is guilty of the offence under the MCOC Act and that there was absolutely no aspect to satisfy the Court that the accused - applicant is not guilty of the offence under the MCOC Act.

CONCLUSION:

7. I do not see any reason to interfere with the said order. In my view no case is made out by the applicant for grant of bail.

8. Needless to state that if the condition of the applicant deteriorates, she may be given proper treatment in the Jail Hospital or she may be shifted to any other hospital. In the event she is shifted to any other hospital she may be given proper escort. With these observations, application for bail is rejected.

9. Application is accordingly disposed of.

V.M. KANADE, J.